

ORDINANCE NO. 2015-__

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

**AN ORDINANCE ADOPTING AND ENACTING AN AMENDED
MUNICIPAL CODE OF ORDINANCES OF THE CITY OF CAVE
SPRINGS, ARKANSAS.**

WHEREAS, the City of Cave Springs, Arkansas, has adopted the Cave Springs Municipal Code; and

WHEREAS, in connection with the foregoing, the Cave Springs City Council has, during the year 2015, enacted ordinances for the City, not inconsistent with the laws of Arkansas, for carrying into effect and discharging the powers and duties conferred on it by law; and

WHEREAS, the Cave Springs City Council has determined that it is in the best interest of the City and its citizens to update the Cave Springs Municipal Code, and to thereby adopt and codify a new municipal code as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before and to the extent provided herein.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Cave Springs, as follows:

Section 1. The Code of the General Ordinances of the City of Cave Springs, Arkansas is hereby adopted and enacted as the "Cave Springs Municipal Code". Such Code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before and to the extent provided in Section 2 hereof.

Section 2. All provisions of such revised Code shall be in full force and effect from and after the 9th day of August, 2016. All ordinances of a general and permanent nature not included in such Code are hereby repealed from and after the 31st day of December, 2015, except as herein provided. No resolution of the City, not specifically mentioned, is hereby repealed.

Section 3. The repeal provided for in Section 2 hereof shall not affect any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code;

(2) Any ordinance promising or guaranteeing the payment of money for the City or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness;

(3) Any contract or obligation assumed by the City;

(4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the City;

(5) Any appropriation ordinance or rate ordinance;

(6) Any ordinance which, by its own terms, is effective only for a stated or limited time;

(7) Any ordinance providing for local improvements and assessing taxes therefor; and

(8) Any ordinance dedicating or accepting any subdivision plat.

Section 4. Whenever in such Code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of such Code shall be punishable as provided by Section 1.32.01 of such Code.

Section 5. Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the Cave Springs Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such Code shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. Three (3) copies of such Code shall be kept on file in the office of the City Recorder preserved in loose leaf form or in such other form as the City Council

of the City of Cave Springs, Arkansas, may consider most expedient. It shall be the express duty of the City Recorder, or someone authorized by the City Recorder to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed by the City Council. These copies of such Code shall be available for all persons desiring to examine the same.

Section 8. It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Cave Springs, Arkansas, to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. It is hereby found that many of the ordinances of the City of Cave Springs, Arkansas, are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the City has made unusual efforts to have the laws of the City of Cave Springs adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservations of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 9th day of August, 2016.

APPROVED:

Travis Lee, Mayor

(SEAL)

ATTEST:

Kimberly Hutcheson, City Recorder